

Exhibit 5

September 14, 2017

Administrator Scott Pruitt
US EPA Headquarters
William Jefferson Clinton Building
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Mail Code: 1101A
Washington, DC 20460

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<http://www.regulations.gov>

Re: Coal Combustion Residuals (CCR) State Permit Programs (Interim Final)
Docket ID No. EPA-HQ-OLEM-2017-0458

Dear Administrator Pruitt:

On August 18, 2017, 50 public interest groups requested a 30-day extension of the comment period for EPA's draft guidance concerning the authorization of state coal ash permit programs. On September 8, 2017, your agency granted the requested extension. At 8:00 pm ET on September 14, 2017, I received a phone call from your agency retracting that extension, with four hours left in the comment period and apparently no notice provided to the other 49 public interest groups. Your agency provided no explanation for retracting the extension.

Consequently, 50 public interest groups, which have members directly impacted by coal ash disposal, have been effectively prevented from providing comments on a guidance document that is likely to directly affect their community, health, and environment.

The EPA's denial of a meaningful opportunity for public participation in this process is contrary to the Resource Conservation and Recovery Act, which explicitly mandates robust public participation, stating, in part: "[p]ublic participation in the development ... of any regulation, guideline, information, or program under this Act shall be provided for, encouraged, and assisted by the Administrator." 42 U.S.C. § 6974(b). It is also contrary to the principles of open and transparent government that are so critical to achieving informed decision making and to providing the public with faith in the agencies that implement the laws and regulations that are supposed to protect public health and the environment.

Therefore, I respectfully request that submission of comments to EPA by Monday, October 16, 2017 by any of the 50 public interest groups that were signatories of the August 18, 2017 letter be given the agency's full attention and consideration in the formulation of this critical guidance document. I further request that the EPA provide written confirmation that the comment period has been extended to that date. Anything less would be contrary to law and fairness.

Respectfully,

Lisa Evans
Senior Counsel
Earthjustice